

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 10/053,627

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-31 are pending in the application. In response to the Office Action (Paper No. 6), Applicant respectfully submits that the pending claims define patentable subject matter.

Applicant thanks the Examiner for indicating that dependent claims 3-16, 18-23 and 25-27 contain allowable subject matter and would be allowable if rewritten in independent form. However, Applicant respectfully requests the Examiner to hold in abeyance the rewriting of these claims until the Examiner has had the opportunity to reconsider the rejected parent claims in light of the arguments presented below in support of the Applicant's traverse of the rejection.

Along with this Amendment, Applicant is submitting corrected Formal Drawings which address drawing objections raised by the Examiner. Accordingly, Applicant respectfully requests the Examiner remove the objection to the drawings.

By this Amendment, Applicant has amended the specification to address the objections raised by the Examiner. Accordingly, Applicant respectfully requests the Examiner remove the objection to the specification.

Claims 28-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the Examiner maintains that line 2 of claim 28 is unclear with regards to the optical unit. By this Amendment, Applicant has amended claim 28 to improve clarity. Accordingly, the Examiner is requested to remove the § 112, second paragraph, rejection.

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Claims 1, 2, 17 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sheu (U.S. Patent No. 6,160,939; hereafter “Sheu ‘939”). Claims 1, 2, 17 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sheu (U.S. Patent No. 5,905,833; hereafter “Sheu ‘833”).

Amended independent claim 1 recites, in part, “at least first and second gel layers interposed between the buffer tube and the optical unit, wherein the first gel layer surrounds the optical unit, the second gel layer surrounds the first gel layer.” Similarly, amended independent claim 24 recites, in part, “a plurality of gel layers interposed between the buffer tube and the optical unit, wherein a first gel layer surrounds the optical unit, a second gel layer surrounds the first gel layer.” Applicant respectfully submits that neither Sheu ‘939 nor Sheu ‘833 disclose these features of the amended claims. Rather, both Sheu ‘939 and Sheu ‘833 disclose providing a single filling material between the fibers and buffer tube. Nowhere do the cited references teach or suggest providing multiple distinct gel layers between the buffer tube and the optical unit.

Accordingly, Applicant respectfully submits independent claims 1 and 24, as well as dependent claims 2 and 17, should be allowable over Sheu ‘939 and Sheu ‘833 because the cited references do not teach or suggest all of the features of the claims.

Claim 28 is rejected under 35 U.S.C. § 102(b) as being anticipated by Gareis (U.S. Patent No. 5,000,539). Claim 28 is rejected under 35 U.S.C. § 102(b) as being anticipated by Keller et al. (U.S. Patent No. 5,384,880; hereafter “Keller”).

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By this Amendment, Applicant has amended claim 28 to recite “the first and second gel layers are in contact with each other.” Applicant respectfully submits that neither Gareis nor Keller disclose this feature of the amended claim. Rather, Gareis (Figures 1 and 2) discloses a high dielectric type insulative gel 27 provided inside a buffer tube 26 and optical conductor 21, and a coating 29 of high dielectric, insulative gel applied to a braid 28 surrounding the outer surface of the buffer tube 26. Similarly, Keller (Figure 1) discloses a gel 15 provided within a buffer tube 12, and a gel 26 provided on yarns 22 surrounding the outer surface of the buffer tube 12. Thus, although Gareis and Keller each disclose a cable structure with two gel layers, the gel layers are separated by the buffer tube.

Accordingly, Applicant respectfully submits independent claim 28 should be allowable over Gareis and Keller because the cited references do not teach or suggest all of the features of the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 7, 2003

Attorney Docket No.: A7785